

## Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 20 October 2021
Present	Councillors John Collier, Ray Field, David Godfrey, Mrs Jennifer Hollingsbee (Vice-Chair), David Monk (Chairman), Stuart Peall, Tim Prater, Lesley Whybrow and David Wimble
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Place), Amandeep Khroud (Assistant Director), Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist), Charlotte Spendley (Director of Corporate Services) and Jemma West (Committee Service Specialist)
Others Present:	Councillor Rolfe.

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 29 October 2021 at 5pm. Decisions not called in may be implemented on Monday 1 November 2021.

### 35. **Declarations of Interest**

Councillor Mrs Hollingsbee declared an OSI in respect of the agenda item relating to LLP Variation to the Members' Agreement for Otterpool Park Limited LLP (Minute Number 38), due to her position as a Director of the LLP. She indicated that she would leave the Chamber during the debate on this item.

During the debate on the Play Area Strategy Update 2020-2030 (Minute No 42), Councillor Prater made a voluntary declaration in respect of his positions on Sandgate Parish Council, Folkestone Town Council and Hythe Town Council.

### 36. **Minutes**

The minutes of the meeting held on 22 September 2021 were submitted, approved and signed by the Chairman.

### 37. **Oportunitas progress report 2021/22 - To 31 July 2021**

This report provided an update from the Board of Oportunitas Ltd (“the company”) on activities undertaken so far during the 2021/22 financial year, including a projected outturn for the profit and loss account for the period to 31 March 2022 compared to the original forecast. The report is in-line with the requirement contained in the Shareholder’s Agreement between the company and the Council.

The Chairman of Oportunitas was present at the meeting to present the report and to address any questions.

Proposed by Councillor Monk,  
Seconded by Councillor Wimble; and

**RESOLVED:**

- 1. That report C/21/37 be received and noted.**
- 2. That the latest projected outturn for the Profit and Loss Account of Oportunitas Limited for the financial year ending 31 March 2022 be noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

**REASON FOR DECISION:**

Cabinet was asked to agree the recommendations because Oportunitas Ltd (“the company”) is required to provide regular updates to Cabinet as set out in the Shareholder’s Agreement between the company and the Council.

**38. LLP Variation to the Members' Agreement for Otterpool Park Limited LLP**

The report set out proposals for minor amendments to the Members’ Agreement for Otterpool Park LLP, including in relation to the appropriate levels of delegations under the Members’ Agreement and other agreements to enable the project to proceed efficiently.

The Leader advised on the following two errors within the document:

- Page 29 of the agenda pack (Appendix 1) – Under point 6, the words “Error! Reference source not found” should be replaced with 3.4; and
- Page 35 of the agenda pack (Appendix 1) – activity item 18 in the table, under the column ‘Council’, b), the wording “Delivery Vehicle; and” should be amended to “Delivery Vehicle.”

Proposed by Councillor Monk,  
Seconded by Councillor Godfrey; and

**RESOLVED:**

- 1. That report C/21/41 be received and noted.**
- 2. That the proposed amendments to the Members’ Agreement described in appendices 1 and 2 of the report be approved.**

3. That the various powers of the Council be delegated as shown in Appendix 1 and paragraphs 4.2 and 4.3.
4. That delegated authority be given to the Director of Place, in consultation with the Assistant Director (Governance and Law), to finalise the drafting of the form of varied Members' Agreement (including where necessary further non-material consequential amendments related to the proposed Strategic Land Agreement and other ancillary project documentation also being finalised).
5. That the entering into of a Deed of Variation to the Members' Agreement by the Council, the Delivery Vehicle and the Nominee Company be approved.

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

The decision is required to facilitate efficient operation and delivery of the Otterpool project. Certain amendments are proposed to the Members' Agreement to enable land transfer via the proposed Strategic Land Agreement. The report also set out delegated powers under the Members' Agreement and related ancillary agreements.

Prior to the consideration of this item, Councillor Mrs Hollingsbee left the Chamber, and returned after the vote had taken place.

39. **Folkestone Community WiFi Pilot Project**

The report sought endorsement for the Kent County Council-led Community WiFi pilot project in Folkestone and sought agreement to provide member and officer resources in support.

Proposed by Councillor Field,  
Seconded by Councillor Wimble; and

**RESOLVED:**

1. That report C/21/43 be received and noted.
2. That it be agreed that the Council actively participates in the Kent County Council Community WiFi pilot project in Folkestone.
3. That the Council chairs the project Steering Group.
4. That further updates will be provided following conclusion of the initial feasibility study.
5. That Council resources required for the project, beyond those available from Kent County Council, be considered as part of the Council's normal budget setting processes.

(Voting figures: 9 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Local community support through the involvement of FHDC is required to ensure the success of this pilot project. While the Community WiFi project set-up and initial running costs will be provided by Kent County Council, potential funding from FHDC may be required for its continuation over the longer term.

40. **Garden Waste Suspension and Rebate Process**

The garden waste collection service was suspended from 22 July to 27 September 2021 due to the national shortage in HGV drivers. The report set out options by which subscribers to the service could be rebated for collections missed during the period of suspension.

The Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control advised on an error within the report, at paragraph 2.1. The Website Debit cards payments were mistakenly shown as Website Credit cards, and Website Credit cards were omitted.

Proposed by Councillor Peall,  
Seconded by Councillor Collier; and

**RESOLVED:**

1. **That report C/21/38 be received and noted.**
2. **That the rebate to the garden waste subscriptions be calculated based on the actual period of suspension measured in two-week cycles starting at 19 July 2021 and ending 27 September 2021.**
3. **To proceed with Option 3 (Rebate By Annual Subscription) as set out in paragraphs 3.6 and 3.7 of the report.**

(Voting figures: 9 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

The council has previously stated that a rebate will be offered to garden waste subscribers for the period of suspended collections.

41. **Draft Corporate Action Plan and Draft Key performance indicators 2021/22**

The Council earlier this year adopted its new corporate plan 'Creating Tomorrow Together' that sets out its strategic direction to 2030 with service priority actions focused on the initial three year period. The report set out a draft corporate action plan that is designed to outline the key projects and activities that will support the delivery of the Council's ambitions and priorities. The report also proposed a draft set of Key Performance Indicators (KPIs) that will provide a framework for the performance management of the Council during the current financial year.

Proposed by Councillor Monk,  
Seconded by Councillor Peall; and

**RESOLVED:**

1. **That report C/21/40 be received and noted.**
2. **That the proposed actions defined within the draft Corporate Action Plan set out in Appendix one of the report be approved.**
3. **That the draft list of KPIs set out in Appendix two of the report be approved.**

(Voting figures: 7 for, 2 against, 0 abstentions).

**REASONS FOR DECISION:**

- The Council has a key role to play in the recovery of the district from the pandemic and the action plan is designed to set out how the Council intends to deliver against the three year priorities defined within the corporate plan to ensure the primary needs of the district and residents are met.
- It is essential that the Council has an action plan in place so that it can inform operational plans, financial plans, strategies and policies over the medium term.
- Relevant key performance indicators (KPIs) are essential to provide a 'golden thread' to the delivery of the Corporate Plan strategic objectives.
- The Council needs to ensure that relevant aspects of performance are measured, monitored and the results are used to identify where things are working well and where improvement action needs to be taken.

**42. Play Area Strategy update**

The Play Area Strategy 2020-2030 was formally adopted in April 2020. It detailed how high quality play areas would be provided and maintained throughout the District over the ten year period. The Strategy outlined how Folkestone & Hythe District Council would work with Town and Parish Councils, Community Groups and other stakeholders to provide a network of Priority and Strategic Play Areas across the district that provide high quality play space, are well maintained, have good access and are financially sustainable. The report outlined the progress to date and the key work to continue over the medium term to meet the objectives of the strategy.

The Leader drew attention to the addendum which had been circulated to Members prior to the meeting, setting out a number of amendments to the report. He also advised on a further amendment within the summary of the report, which stated that the Play Area Strategy was formally adopted in April 2020. This should be amended to reflect that the Play Area Strategy had been adopted in July 2020.

During the debate on this item, Councillor Prater made a voluntary declaration in respect of his positions on Sandgate Parish Council, Folkestone Town Council and Hythe Town Council.

Proposed by Councillor Collier,  
Seconded by Councillor Wimble; and

**RESOLVED:**

- 1. That report C/21/39 be received and noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Officers have worked with Town Council and Parish Councils to deliver upon the strategy, as well as investing in destination play areas. Progress so far has

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been positive and sustainable. Work will continue throughout the strategy period to deliver further outstanding actions.